

## **IN THE CLAIMS:**

Please cancel claims 12 and 13 without prejudice.

Please amend claim 8 without prejudice as follows:

8. (Amended) A device for detecting a manner in which a vehicle seat is occupied, comprising:

a stereoscopic image recording device including at least one optical sensor recording a scene at the vehicle seat, the image recording device deriving, from the scene, a three-dimensional map partitioned into a plurality of zones, indicating for each of the zones a distance from a reference point, the at least one optical sensor having a nonlinear transducer characteristic curve over an entire operating range, describing a correlation between an incident light intensity and an electrical output signal of the at least one optical sensor, a steepness of the characteristic curve decreasing with increasing light intensity; and

a light source arranged to illuminate the scene at the vehicle seat and to shine infrared light synchronously with an activation of the stereoscopic image recording device.

Please add, without prejudice, the following new claims:

--16. (New) The device according to claim 8, further comprising an image processor arranged to derive the three-dimensional map from recorded images and to communicate with one of a restraint device and a device to control the restraint device.

17. (New) The device according to claim 8, wherein the light source includes a plurality of light diodes configured to emit infrared light.--.

## **REMARKS**

### **I. Introduction**

With the cancellation of claims 12 and 13, without prejudice, and the addition of claims 16 and 17, without prejudice, claims 8 to 11 and 14 to 17 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.